REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on December 24, 2009, and the references cited therewith.

Claims 1, 4-5, 9, 14, 17, 20, 25-26, 34, and 38 are amended, claim 3 was previously canceled, and no claims are added; as a result, claims 1-2, 4-40 are now pending in this application.

Examiner Telephone Interview

Applicant kindly thanks Examiner Agwumezie for the courtesy of a telephone interview on Monday February 22, 2010 to discuss the pending claims in view of the prosecution history and the Cheng and Sadowsky references. Claim proposals were discussed to distinguish from the cited art. However, no formal agreement was reached pending filing of the present response and conducting an updated search.

§103 Rejection of the Claims

Claims 1-2, and 4-19 were rejected under 35 USC § 103(a) as being unpatentable over Cheng et al (hereinafter Cheng) (U.S. Publication No. 2006/0282834) in view of Sadwosky (hereinafter Sadowsky) (U.S. Patent No. 6,123,737).

Applicant's independent claim 1, as amended, presently recites:

> informing a notification history server of notifications sent by various senders of updates to a mobile electronic device, the notification history server keeping a record of all verified and unverified notifications, the notification history server being distinct from the various senders and a device management server managing the mobile electronic device;
> receiving a notification in the mobile electronic device that an update is available from a particular sender;
> determining authorization of the received notification in the mobile electronic device by sending, by the mobile electronic device, information retrieved from the received notification to the notification history server, and determining, by comparison,

whether the notification history server has previous verified or unverified records of the notification from the particular sender using the information sent by the electronic device thereby avoiding testing of each notification;

the mobile electronic device downloading the available update from the particular sender if the notification history server confirms having a previous verified record of notification from the particular sender of the notification; and

the mobile electronic device ignoring the available update from the particular sender if the notification history server confirms having a previous unverified record of the notification from the particular sender of the notification.

Support for the present claim amendments can be found in the Applicant's specification, as originally filed, in paragraphs [0062-0069] and Table 1 for informing a notification history server of notifications sent by various senders of updates to a mobile electronic device, the notification history server keeping a record of all verified and unverified notifications, the notification history server being distinct from the various senders and a device management server managing the mobile electronic device, determining authorization of the received notification in the mobile electronic device by sending, by the mobile electronic device, information retrieved from the received notification to the notification history server, determining, by comparison, whether the notification history server has previous verified or unverified records of the notification from a particular sender using the information sent by the electronic device thereby avoiding testing of each notification, and where the mobile electronic device downloads the available update from the particular sender if the notification history server confirms having a previous verified record of notification from the particular sender of the notification and ignores the available update from the particular sender if the notification history server confirms having a previous unverified record of the notification from the particular sender of the notification.

From the Applicant's review of the Cheng and Sadowsky references, the references do not teach or suggest, either independently or in combination, each and every element and limitation of the Applicant's independent claim 1 recited above, as amended. As such, Applicant respectfully requests reconsideration and allowance

of independent claim 1, as amended, as well as those claims which depend
therefrom.

Claim 8 was rejected under 35 USC § 103(a) as being unpatentable over
Cheng in view of Sadwosky, as applied to claim 1 above, and further in view of
Serbinis et al (hereinafter Serbinis) (U.S. Patent No. 6,314,425).

Claim 8 depends from independent claim 1. Applicant has amended
independent claim 1 and for the reasons presented above believes that claim 1 is
presently allowable in view of Cheng and Sadowsky. From the Applicant's review
of the Serbinis reference, the reference does not teach or suggest all of the elements
and limitations of claim 1, as amended, that are missing from those references.
Accordingly, Applicant respectfully requests reconsideration and withdrawal of the
103 rejection for claim 8.

Claims 20-22, and 24-38 were rejected under 35 USC § 103(a) as being
unpatentable over Sadwosky in view of Serbinis.

Applicant's independent claim 20, as amended, presently recites:

> a notification history server distinct from the device
> management server and operatively connected to the management
> server, the notification history server comprising a record of all
> verified notifications and unverified notifications sent to the at
> least one mobile electronic device by various senders, the various
> senders being distinct from the notification history server, and
> wherein the notification history server is able to determine
> authorization of an available update by comparing whether the
> notification history server has previous verified or unverified
> records of notification from a particular sender thereby avoiding
> testing of each notification;
> > wherein the mobile electronic device is adapted to:
> > > receive notifications as to available updates to firmware on
> the mobile device;
> > > send information retrieved from the notifications to the
> notification history server;

<div align="right">download available updates associated with notifications sent to the notification history server for which the notification history server has a previous verified record from the particular sender; and
ignore available updates associated with notifications to the notification history server for which the notification history server has a previous unverified record from the particular sender.</div>

Support for the present claim amendments can be found in the Applicant's specification, as originally filed, in paragraphs [0062-0069] and Table 1 for a mobile services network having a notification history server distinct from the device management server, comprising a record of all verified notifications and unverified notifications sent to at least one mobile electronic device, sent to by various senders distinct from the notification history server, wherein the notification history server is able to determine authorization of an available update by comparing whether the notification history server has previous verified or unverified records of notification from a particular sender thereby avoiding testing of each notification, where the mobile electronic device is adapted to send information retrieved from the notifications to the notification history server, download available updates associated with notifications sent to the notification history server for which the notification history server has a previous verified record from the particular sender, and ignore available updates associated with notifications to the notification history server for which the notification history server has a previous unverified record from the particular sender.

From the Applicant's review of the Cheng, Sadowsky and Serbinis references, the references do not teach or suggest, either independently or in combination, each and every element and limitation of the Applicant's independent claim 20 recited above, as amended. As such, Applicant respectfully requests reconsideration and allowance of independent claim 20, as amended, as well as those claims which depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Edward J. Brooks III at (612) 236-0120 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8:
The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 25th day of

_____February_____, 2010.

Alison L. Subramanian
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Respectfully Submitted,
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